

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRIAN L. HEFT,	:	CASE No: 2:11-CV-103
	:	
Petitioner,	:	JUDGE FROST
	:	MAGISTRATE JUDGE KING
v.	:	
	:	
WARDEN, MADISON CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Respondent.	:	

ORDER

Petitioner's fifteenth claim for relief in this habeas corpus action is currently pending before the Ohio Supreme Court. On May 31, 2011, the United States Magistrate Judge recommended that respondent's motion to dismiss the action for failure to fully exhaust all claims be denied; petitioner's motion to hold the petition in abeyance pending complete exhaustion was granted. *Order and Report and Recommendation*, Doc. No. 15. Although the parties were advised of their right to object and of the consequences of their failure to do so, there has been no objection to the recommendation.<sup>1</sup>

The *Report and Recommendation*, Doc. No. 15, is **ADOPTED AND AFFIRMED**. Respondent's motion to dismiss, Doc. No. 10, is **DENIED**.

/s/ Gregory L. Frost  
Gregory L. Frost  
United States District Judge

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<sup>1</sup>Indeed, respondent has already filed a return of writ addressing the other claims raised by petitioner. *Return of Writ*, Doc. No. 16.